

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EAST RAMAPO CENTRAL SCHOOL DISTRICT,:

Plaintiff, :

- against - :

JAMES P. DeLORENZO, in his official capacity as :
Assistant Commissioner of Education for the State :
of New York; JOHN B. KING, JR., in his official :
capacity as the Commissioner of Education for the :
State of New York; and STATE EDUCATION :
DEPARTMENT OF THE UNIVERSITY OF THE :
STATE OF NEW YORK, :

Defendants. :

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**NOTICE OF MOTION
TO DISMISS**

13 Civ. 1613 (PAE)

ORIGINAL FILED BY ECF

PLEASE TAKE NOTICE, that upon the Amended Complaint filed herein, and the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss the Amended Complaint, the undersigned on behalf of defendants NEW YORK STATE EDUCATION DEPARTMENT, JAMES P. DeLORENZO, Assistant Commissioner in NYSED's Office of Special Education, and JOHN B. KING, JR., New York State Commissioner of Education, will move this Court before the Honorable Paul A. Engelmayer, in accordance with the Court's Individual Practices, at the United States District Courthouse for the Southern District of New York located at 500 Pearl Street, New York, New York for an order pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Amended Complaint, on the grounds that the Court lacks jurisdiction over the subject matter of the claims asserted in this

action and that the Amended Complaint fails to state any claim against the defendants upon which relief can be granted.

PLEASE TAKE FURTHER NOTICE, that pursuant to Local Civil Rule 6.1(b), unless a different briefing schedule is approved by the Court, papers opposing this motion are to be served within fourteen days after service of the moving papers, and reply papers are to be served seven days after service of the answering papers.

Dated: New York, New York
April 23, 2013

Yours, etc.,

ERIC T. SCHNEIDERMAN
Attorney General of the
State of New York
Attorney for Defendants
By:

s/Steven L. Banks
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